

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

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UNITED STATES OF AMERICA : INFORMATION
: 18 Cr.
- v. - :
JING DONG, :
Defendant. :
----- X

18 CRIM 396

JUDGE NATHAN

COUNT ONE
(Conspiracy)

The United States Attorney charges:

1. From at least in or around October 2015, up to and including at least in or about December 2017, in the Southern District of New York and elsewhere, JING DONG, the defendant, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, a violations of Title 18, United States Code, Section 2342(a).

2. It was a part and an object of the conspiracy that JING DONG, the defendant, and others known and unknown, did knowingly ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341, to wit, a quantity of more than 10,000 cigarettes, which bore no evidence of the

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payment of applicable State cigarette taxes in the State of New York.

OVERT ACT

3. In furtherance of said conspiracy and to effect its illegal object, the following overt act, among others, was committed, in the Southern District of New York and elsewhere:

a. On or about May 26, 2016, JING DONG, the defendant, and a co-conspirator not named as a defendant herein ("CC-1") picked up approximately 19 parcels containing contraband cigarettes from a post office located at 50 Canal Street, New York, NY 10013.

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATION

4. As a result of committing the offense charged in Count One of this Information, JING DONG, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 2344(c), Title 28 United States Code, Section 2461(c), and Title 49, United States Code, Section 80303, any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense; any and all contraband cigarettes or contraband smokeless tobacco involved in said offense; and any and all aircraft, vehicles and vessels used to transport, conceal, possess, or facilitate the transportation, concealment, receipt,

possession, purchase, sale, exchange or giving away, of contraband cigarettes involved in said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense that the defendant personally obtained.

Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:
 - a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)



GEOFFREY S. BERMAN
United States Attorney

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GEOFFREY S. BERMAN
United States Attorney.
